

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GARY WELCH,

Plaintiff,

v.

STATE OF WASHINGTON, DEPT.
OF CORRECTIONS, et al.,

Defendants.

NO. CV-12-605-LRS

**ORDER GRANTING
MOTIONS TO DISMISS
AND TO REMAND**

BEFORE THE COURT are the Plaintiff's Motion To Dismiss With Prejudice (ECF No. 6) and the parties' Joint Motion To Remand (ECF No. 7). These motions are heard without oral argument and on an expedited basis, LR 7.1(h)(2)c., there being no apparent reason why their resolution should be delayed.

Plaintiff's Motion To Dismiss With Prejudice (ECF No. 6) is **GRANTED**. Pursuant to Fed. R. Civ. P. 41(b)(2), Plaintiff's "Third Cause Of Action- Deprivation Of Civil Rights Under Color Of Law" is **DISMISSED with prejudice**. This dismisses the only federal claim in Plaintiff's complaint over which this court has original jurisdiction.

Pursuant to 28 U.S.C. Section 1367(c)(3), the court declines to exercise supplemental jurisdiction over the remaining state law claims. The parties' Joint Motion To Remand (ECF No. 7) is **GRANTED** and this action is **REMANDED** to the Spokane County Superior Court.

//

**ORDER GRANTING MOTIONS
TO DISMISS AND TO REMAND - 1**

IT IS SO ORDERED. The District Executive is directed to enter this order and forward copies to counsel.

DATED this 4th of February, 2013.

s/Lonny R. Suko

LONNY R. SUKO
United States District Judge